

Message Text

UNCLASSIFIED

PAGE 01 STATE 216165

15

ORIGIN COA-02

INFO OCT-01 ARA-16 ISO-00 COME-00 EB-11 INT-08 CIAE-00

INR-10 NSAE-00 RSC-01 TRSE-00 TAR-02 L-03 DODE-00

CG-00 SCI-06 IO-14 /074 R

DRAFTED BY SFW/COA W.G.VANCAMPEN:EEB

APPROVED BY SFW/COA W. G. VAN CAMPEN

COM/NOAA/NMFS-MR. HALLMAN (DRAFT)

E/OT/STA-MR. WINSTANLEY

ARA/EP-MR. GUTHRIE

----- 011384

R 020121Z NOV 73

FM SECSTATE WASHDC

TO AMEMBASSY QUITO

INFO AMEMBASSY LIMA

AMEMBASSY MEXICO

AMCONSUL GUAYAQUIL

UNCLAS STATE 216165

E.O. 11652: N/A

TAGS: EFIS

SUBJEC : EFFECT OF PORPOISE PROTECTION REGULATIONS ON TUNA

IMPORTS

REF: QUITO 5529 (NOTAL)

MEXICO CITY FOR REGIONAL FISHERIES ATTACHE

1. INTENT OF MARINE MAMMAL PROTECTION ACT OF 1972 ON
POINT QUERIED BY EMBASSY IS CLEAR, AS SHOWN BY FOLLOWING
SECTIONS:

QUOTE THE SECRETARY OF THE TREASURY SHALL BAN THE IMPORTA-
TION OF PRODUCTS FROM FISH WHICH HAVE BEEN CAUGHT WITH COM-
MERCIAL FISHING TECHNOLOGY WHICH RESULTS IN THE INCIDENTAL
KILL OR INCIDENTAL SERIOUS INJURY OF OCEAN MAMMALS IN EXCESS
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 216165

OF UNITED STATES STANDARDS. THE SECRETARY SHALL INSIST ON

REASONABLE PROOF FROM THE GOVERNMENT OF ANY NATION FROM WHICH FISH OR FISH PRODUCTS WILL BE EXPORTED TO THE US OF THE EFFECTS ON OCEAN MAMMALS OF THE COMMERCIAL FISHING TECHNOLOGY IN USE FOR SUCH FISH OR FISH PRODUCTS EXPORTED FROM SUCH NATION TO THE US. END QUOTE

QUOTE IT IS UNLAWFUL TO IMPORT INTO THE US ... ANY FISH, WHETHER FRESH, FROZEN OR OTHERWISE PREPARED, IF SUCH FISH WAS CAUGHT IN A MANNER WHICH THE SECRETARY HAS PROSCRIBED

FOR PERSONS SUBJECT TO THE JURISDICTION OF THE US, WHETHER OR NOT ANY MARINE MAMMALS WERE IN FACT TAKEN INCIDENT TO THE CATCHING OF THE FISH. END QUOTE

2. WE BELIEVE THAT DEPARTMENT OF COMMERCE (NOAA) FULLY INTENDS TO HAVE ITS REGULATIONS IMPLEMENT THESE PROVISIONS OF ACT. PROPOSED REGULATIONS ARE SCHEDULED FOR PUBLICATION IN FEW DAYS BUT WILL NOT BECOME EFFECTIVE FOR US FISHERMEN UNTIL MARCH 1. WE UNDERSTAND THAT PROPOSED REGULATIONS WILL REQUIRE PERSONS SUBJECT TO US JURISDICTION, WHEN FISHING FOR TUNA WITH SEINES, TO USE NETS PROVIDED WITH SO-CALLED MEDINA PANEL, WHICH IS SECTION OF FINE MESHED NETTING IN UPPER PART OF NET DESIGNED TO PREVENT PORPOISE FROM BECOMING ENTANGLED. REGULATIONS WILL FURTHER REQUIRE THAT CERTAIN TACTICS BE USED IN RECOVERING NET WHEN SET AROUND PORPOISE SCHOOLS, TO PERMIT PORPOISE TO ESCAPE OVER TOP OF SEINE. AFTER MARCH 1, 1974, IMPORTS OF TUNA WILL HAVE TO BE ACCOMPANIED BY OFFICIAL CERTIFICATION THAT, IF CAUGHT BY SEINE, THESE REQUIREMENTS WERE MET. REGULATIONS WILL OBVIOUSLY PRESENT SOME PRACTICAL PROBLEMS OF ENFORCEMENT. PRESENCE OR ABSENCE OF MEDINA PANEL CAN BE DETECTED BY SIMPLE INSPECTION, BUT USE OF PROPER TACTICS IN FISHING WILL BE DIFFICULT TO OBSERVE IN MANY CASES. ALSO, IT MAY BE DIFFICULT TO CHECK ON VERACITY OF CERTIFICATIONS ACCOMPANYING IMPORTS.

3. IF POST FEELS THAT ADVANCE EXPLANATION IS CALLED FOR, FOLLOWING POINTS MAY BE USEFUL. PURPOSE OF REGULATIONS IS TO CUT DOWN KILL OF PORPOISE INCIDENTAL TO TUNA FISHING. SINCE PORPOISE ARE VALUABLE AIDS TO TUNA FISHERMEN IN FIND-
UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 216165

ING AND CAPTURING TUNA, IT IS IN LONG-TERM INTEREST OF ALL FISHERMEN TO MAINTAIN THEIR POPULATIONS, ASIDE FROM GENERAL CONSIDERATIONS OF HUMANENESS WHICH DICTATE AVOIDANCE OF NEEDLESS KILLING OF ANIMALS OF NO DIRECT COMMERCIAL USEFULNESS. REGULATIONS WILL OF COURSE BE ENFORCED AS STRICTLY AS POSSIBLE AGAINST US FISHERMEN AND IN SO FAR AS THEY EXTEND TO IMPORTS REQUIREMENTS WILL BE APPLIED WITHOUT DISCRIMINATION TO ALL EXPORTING COUNTRIES. THERE IS THUS NO ELE-

MENT OF SANCTION OR DESIRE TO PLACE BIASED RESTRICTIONS ON
ANY COUNTRY'S TUNA INDUSTRY. IT IS EXPECTED THAT FULL
EXPLANATION WILL BE MADE AT IATTC MEETING ON THESE AND
OTHER RELEVANT POINTS. KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 02 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE216165
Document Source: CORE
Document Unique ID: 00
Drafter: EEB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731158/aaaabqnr.tel
Line Count: 119
Locator: TEXT ON-LINE
Office: ORIGIN COA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: QUITO 5529 (NOTAL)
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 26 NOV 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <26-Nov-2001 by joneskg0>; APPROVED <11 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: C : EFFECT OF PORPOISE PROTECTION REGULATIONS ON TUNA IMPORTS
TAGS: EFIS
To: QUITO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005